

**COMBINED DECLARATION AND POWER
OF ATTORNEY FOR PATENT APPLICATION**

DECLARATION:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled NITROUS OXIDE BASED OXYGEN SUPPLY SYSTEM filed on May 24, 2001, as Serial No. _____.

The persons named as inventors in this application are: Robert M. ZUBRIN, Brian M. FRANKIE and Scott E. LOWTHER.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a), as attached.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- ☐ no such applications have been filed.
☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. or PCT APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
09/064,998	23 April 1998	Pending

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following patent attorneys to prosecute this application and transact all business in the Patent Office connected therewith:

Dorsey & Whitney LLP
USPTO Customer No. 20686

Send all correspondence relating to this matter to:

James A. Pinto Esq.
DORSEY & WHITNEY LLP
370 17th Street, Suite 4400
Denver, Colorado 80202-5644

Direct all telephone calls to **James A. Pinto** at **(303) 629-3407**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Robert M. ZUBRIN
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Denver, Colorado
Citizenship:	U.S.A.
Post Address Office:	P.O. Box 273 Indian Hills, Colorado 80454

Inventor's Full Name:	Brian M. FRANKIE
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Denver, Colorado
Citizenship:	U.S.A.
Post Address Office:	265 Zang Street, #26312 Lakewood, Colorado 80228

Inventor's Full Name:	Scott E. LOWTHER
Inventor's Signature:	
Date:	
Residence: (City, State and/or Country)	Denver, Colorado
Citizenship:	U.S.A.
Post Address Office:	7521 West 8 th Place Lakewood, Colorado 80215

§ 1.56 duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Each other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

ASSIGNMENT

WHEREAS, we, Robert M. ZUBRIN, whose post office address is P.O. Box 273, Indian Hills, Colorado 80454; Brian M. FRANKIE, whose post office address is 265 Zang Street, #26312, Lakewood, Colorado 80228; and Scott E. LOWTHER, whose post office address is 7521 West 8th Place, Lakewood, Colorado 80215; have made a certain new and useful invention relating to NITROUS OXIDE BASED OXYGEN SUPPLY SYSTEM, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 09/064,998, filed on April 23, 1998, for NITROUS OXIDE BASED OXYGEN SUPPLY SYSTEM; and

WHEREAS, we now own the entire right, title and interest therein; and

WHEREAS, Pioneer Invention, Inc., a Colorado corporation, d/b/a Pioneer Astronautics, whose post office address is 445 Union Boulevard, Suite 125, Lakewood, Colorado 80228, is desirous of acquiring the entire interest in and to said invention, said application, or any continuation, division, renewal, or substitute thereof, and the Letters Patent, or any reissue or re-examination thereof, to be obtained therefor:

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto the said Pioneer Astronautics, and said assignee's legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application or any continuation, division, renewal or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or re-examination thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

We HEREBY AUTHORIZE the above-mentioned assignee to insert in this instrument the filing date and serial number of our said application.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, renewal, reissued or extended Letters Patent

of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

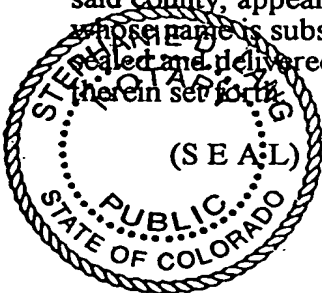
20 APR, 1998

Brian M. Frankie
Brian M. FRANKIE

STATE OF COLORADO)
COUNTY OF Jefferson)

ss.

On this 20th day of April, 1998, before me a notary public in and for said county, appeared Brian M. Frankie who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.



Stephanie D. Fong
Notary Public

My Commission Expires 03/05/2000

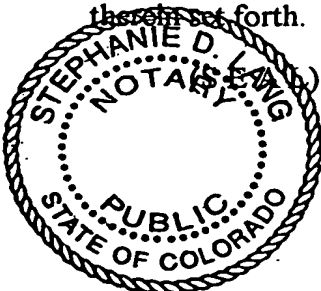
Apr. 20, 1998

Robert M. Zubrin
Robert M. ZUBRIN

STATE OF COLORADO)
COUNTY OF Jefferson)

ss.

On this 20th day of April, 1998, before me a notary public in and for said county, appeared Robert M. Zubrin who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.



Stephanie D. Fong
Notary Public

My Commission Expires 03/05/2000

4-20, 1998

Scott E. Lowther
Scott E. LOWTHER

STATE OF COLORADO)
COUNTY OF Jefferson)

SS.

On this 20th day of April, 1998, before me a notary public in and for said county, appeared Scott E. Lowther who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

Stephanie D. Farg
Notary Public

